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TO: Examiner Vivek Natarajan
USPTO FACSIMILE NO.: (571) 273-8300
USPTO REFERENCE: Applicants: Abdul-Hafiz et al.
Serial No.: 10/632,012
Filed: July 31, 2003
Title: LOW NOISE OPTICAL HOUSING
ATTORNEY: John M. Grover
PHONE NO.: (949) 721-2946
ATTORNEY DOCKET NO.: MASIMO.339A
TOTAL PAGES: 4 (INCLUDING COVER SHEET)
OPERATOR: Lisa Sierra
DATE: September 23, 2005

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MESSAGE: **Attached for filing in the above-referenced application are:**

■ TRANSMITTAL LETTER IN 2 PAGES

■ RESPONSE TO RESTRICTION
REQUIREMENT OF AUGUST 29, 2005 IN
2 PAGES1952199
092305

San Diego

San Francisco

Los Angeles

Riverside

San Luis Obispo

Docket No.: MASIMO.339A

Page 1 of 1

Please Direct All Correspondence to Customer Number **20995****AMENDMENT / RESPONSE TRANSMITTAL****RECEIVED
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Appl. No. : 10/632,012
 Applicants : Abdul-Hafiz et al.
 Filed : July 31, 2003
 TC/A.U. : 3736
 Examiner : Vivek Natarajan
 Title : LOW NOISE OPTICAL
 HOUSING
 Docket No. : MASIMO.339A
 Customer No. : 20,995

Confirmation No.: 9340

SEP 23 2005

Certificate Of Fax Transmission

I hereby certify that this correspondence and all marked attachments are being transmitted via facsimile to the USPTO Central Fax No. (571) 273-8300 on the date shown below:

September 23, 2005

(Date)

John M. Grover, Reg. No. 42,610

Mail Stop Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

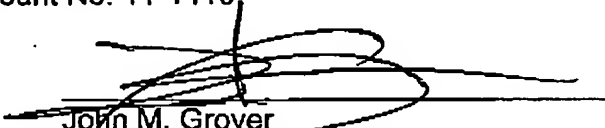
Transmitted herewith for filing in the above-identified application are the following enclosures:

(X) a Response to Restriction Requirement of August 29, 2005 in 2 pages.

The fee has been calculated as shown below:

| FEE CALCULATION | | | | |
|--------------------|-------------|--------------|-------------|-------|
| FEE TYPE | | FEE CODE | CALCULATION | TOTAL |
| Excess Claims > 20 | 16 - 39 = 0 | 1202 (\$50) | 0 x 50 = | \$0 |
| Independent > 3 | 3 - 7 = 0 | 1201 (\$200) | 0 x 200 = | \$0 |
| Multiple Claim | 1.16(j) | 1203 (\$360) | | \$0 |
| TOTAL FEE DUE | | | | \$0 |

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.


 John M. Grover
 Registration No. 42,610
 Attorney of Record
 Customer No. 20,995
 (949) 760-0404

1951885/092305

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SEP 23 2005

MASIMO.339A

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/632,012
Applicants : Abdul-Hafiz et al.
Filed : July 31, 2003
TC/A.U. : 3736
Examiner : Vivek Natarajan
Title : LOW NOISE OPTICAL
HOUSING
Docket No. : MASIMO.339A
Customer No. : 20,995

Confirmation No.: 9340

Certificate Of Fax Transmission

I hereby certify that this correspondence and all marked attachments are being transmitted via facsimile to the USPTO Central Fax No. (571) 273-8300 on the date shown below:

September 23, 2005

(Date)

John M. Grover, Reg. No. 42,610**RESPONSE TO RESTRICTION REQUIREMENT OF AUGUST 29, 2005**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This communication is in response to the Restriction Requirement mailed August 29, 2005. The Examiner has required restriction to one of the following inventions:

- I) Claims 1-20, drawn to an optical housing apparatus and method classified in class 600, subclass 310;
- II) Claims 21-36, drawn to sensor circuit and method classified in class 600, subclass 310; and
- III) Claims 37-39, drawn to a sensor, classified in class 600, subclass 344.

While the Applicants make no representation regarding the groupings of claims or whether such claims are properly restrictable under the rules, in an effort to progress the examination of the present application, the Applicants respectfully elect without

Applicants : **Abdul-Hafiz et al.**
Filed : **July 31, 2003**

traverse to prosecute Claims 21-36 (Group II). Please withdraw Claims 1-20 and 37-39 without prejudice or disclaimer.

The Applicants reserve the right to pursue the nonelected claims in one or more continuing or divisional applications.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: September 23, 2005

By: 

John M. Grover
Registration No. 42,610
Attorney of Record
Customer No. 20,995
(949) 760-0404

1951438
092305